

IN RE: LAURA CAMPBELL) OEIG Case #15-01145

In *Rutan v. Republican Party of Illinois*,¹ the Supreme Court held that the Constitution prohibited the Illinois State government from using party affiliation and support as a basis for the hiring of persons who do not occupy policymaking or confidential positions or positions for which “party affiliation is an appropriate requirement for the effective performance of the public office involved.”² The Court held that patronage practices are prohibited unless narrowly tailored to further vital government interests because they encroach upon freedom of association which is protected by the First Amendment.³ The Court reasoned that a government’s interest in securing employees who will loyally implement its policies can be adequately served by choosing or dismissing certain high-level employees on the basis of their political views.⁴

2. Administrative Orders Relating to *Rutan*-Covered Positions

In the wake of the *Rutan* decision, Illinois Governors James Thompson, James Edgar, and Patrick Quinn each issued Administrative Orders regarding the interview and selection process for the hiring of employees in accordance with the *Rutan* decision.⁵ The Administrative Orders established a policy of merit hiring: “All hiring and other personnel decisions shall be based on the merit and qualifications of the candidates.”⁶

Pursuant to the Administrative Orders, State agencies under the jurisdiction of the Governor are required to follow certain steps and guidelines before they can fill a *Rutan*-covered position. These steps and guidelines include developing a standardized interview questionnaire, conducting a standardized interview, evaluating each candidate by scoring candidate responses against the hiring criteria previously developed, and ranking the candidates by overall score. The interview process is to be documented along with the employment decision.

Administrative Order No. 2 (2009) promulgated additional guidelines for filling *Rutan*-covered positions “to ensure that applicable decision-making processes comply with *Rutan* and rely upon politically neutral, merit-based criteria.” These guidelines require, among other things, that interviews for *Rutan*-covered positions take place “in an atmosphere where interviewers are free of advance knowledge of candidates.”⁷ *Rutan* interview panels should not include “any person who . . . would have a conflict of interest in connection with evaluating, any of the applicants for the position.”⁸

B. IDOT Conflict Of Interest Policy

IDOT employees have a responsibility to “avoid situations involving conflict of interest and the appearance of conflict of interest.”⁹ IDOT’s Personnel Manual defines a conflict of interest

¹ 497 U.S. 62 (1990).

² *Id.* at 71, n.5 (citing *Elrod*, 427 U.S. at 367 and *Branti v. Finkel*, 445 U.S. 507 (1980)).

³ *Id.* at 74 (citations omitted).

⁴ *Id.*

⁵ Administrative Order No. 2 (1990), Administrative Order No. 1 (1991), and Administrative Order No. 2 (2009), respectively.

⁶ Administrative Order No. 1 (1990).

⁷ Administrative Order No. 2 (2009).

⁸ *Id.*

⁹ IDOT Personnel Manual Chapter 15, 15-2.

as occurring “when an employee’s private interest, usually of a personal, financial or beneficial nature, conflicts with public duties or responsibilities.”¹⁰

III. INVESTIGATION

In order to determine whether Laura Campbell engaged in hiring improprieties with regard to the hiring of the IDOT Fleet Management Assistant, the OEIG obtained and reviewed the hiring file for the IDOT Fleet Management Assistant position, Ms. Campbell’s personnel file, and the donation records for Jack Campbell’s campaign for Sangamon County Sheriff. The OEIG also interviewed Paul Lee, former IDOT [Employee 1], Ms. Campbell, and former IDOT [Employee 2].

A. IDOT Fleet Management Assistant Position

IDOT posted the IDOT Fleet Management Assistant position from March 14 through March 27, 2014. According to the position description, the IDOT Fleet Management Assistant is “accountable for assisting with the management and direction of [IDOT’s] motor pool operations.” Between April 28 and May 2, 2014, IDOT employees Laura Campbell and [Employee 1] interviewed 65 candidates for the IDOT Fleet Management Assistant position. The hiring file reflects the following top five candidates and their *Rutan* interview scores:¹¹

<u>Candidate</u>	<u>Interview Score</u>
Paul Lee	7.38
[Candidate 1]	5.38
[Candidate 2]	5.33
[Candidate 3]	5.25
[Candidate 4]	5.07

Mr. Lee was ultimately awarded the position on August 18, 2014.

B. Paul Lee’s Donations To Jack Campbell’s Campaign For Sherriff

The OEIG obtained and reviewed the donation history of Jack Campbell’s campaign for Sangamon County Sherriff, which was called “Friends for Campbell.” The OEIG discovered that Paul Lee donated a total of \$1,200.00 in seven increments between August 19, 2013 and March 4, 2014 to “Friends for Campbell.”

C. Interview Of IDOT Fleet Management Assistant Paul Lee

On September 15, 2015, the OEIG interviewed IDOT Fleet Management Assistant Paul Lee. During his interview, Mr. Lee explained that he and Ms. Campbell are the “best of friends,” next-door neighbors, and that since he was hired at IDOT, she is his supervisor’s boss. Mr. Lee said that he has known Ms. Campbell “forever” because they both grew up in the small town of

¹⁰ IDOT Personnel Manual Chapter 15, 15-3.

¹¹ The interview scores are based on candidates’ responses to interview questions that are prepared in advance of the interviews. All candidates received the same questions.

Illioopolis, Illinois, and they have lived next-door to one another for about 15 years. Mr. Lee said that for the last 10 to 15 years, he and his wife:

- frequently visit Ms. Campbell's home;
- frequently have Ms. Campbell and her husband over to their house;
- have dinner with Ms. Campbell and her husband weekly; and
- have taken yearly family vacations to Myrtle Beach, South Carolina with the Campbells.

Mr. Lee also said that he donated around \$1,000.00 to Mr. Campbell's campaign for Sangamon County Sherriff and he walked in parades with Mr. and Ms. Campbell in support of Mr. Campbell's campaign. When asked if Ms. Campbell was aware that Mr. Lee donated to Mr. Campbell's campaign, Mr. Lee said, "I would be shocked if Jack didn't tell her."

Mr. Lee informed the OEIG that prior to working for the State, he worked for Archer Daniels Midland as the Vehicle Coordinator for almost 23 years, retiring in May 2013 and he had not previously worked for the State. Mr. Lee told the OEIG that he learned about the Fleet Management Assistant position from Laura Campbell. Mr. Lee said that Ms. Campbell was over to his home one evening and told him about a Fleet Management position at IDOT that was going to be vacated. He said that she told him that she thought he was qualified, asking, "Why don't you apply for this?" Mr. Lee said that later, on a different occasion, around February or March 2014, Ms. Campbell came to him, told him the position was available, and presented him with a hard copy of the application. Mr. Lee said that he filled out the application by hand and gave it back to Ms. Campbell the next day. According to Mr. Lee, Ms. Campbell had told him prior that she may be in his interview.

D. Interview Of Former IDOT [Employee 1]

On October 9, 2015, the OEIG interviewed former IDOT [Employee 1]. [Employee 1] said that he had been a Senior Interviewer at IDOT for five years, and in that position he was in charge of representing the IDOT Personnel Office, reading job descriptions to familiarize himself with the positions, and conducting interviews for *Rutan* covered positions at IDOT. [Employee 1] said that he interviewed "thousands of people while working as an Interviewer at IDOT."

When asked who Laura Campbell is, [Employee 1] said that Ms. Campbell was a Bureau Chief of one of the IDOT offices and he did four or five sets of interviews with her. [Employee 1] said that he had no regular work contact with Ms. Campbell and that the two of them have no social contact. [Employee 1] informed the OEIG that he does not specifically recall conducting interviews for the IDOT Fleet Management Assistant position with Ms. Campbell.

In order to refresh his recollection of the Fleet Management Assistant position interviews, the OEIG presented [Employee 1] with a copy of his notes on an Interview Questions form from Mr. Lee's interview and a copy of his notes on an Interview Questions form from [Candidate 1's] interview. When asked about scoring the IDOT Fleet Management Assistant position candidates, [Employee 1] said that he suspected that they scored the interviews the day after the last interview was completed. [Employee 1] said that both he and Ms. Campbell worked together, by talking, comparing notes and scoring each candidate together. [Employee 1] said that Ms. Campbell would

have been the lead for the scoring, while he was the lead for the interview. When asked if he recalled Ms. Campbell favoring any candidate to be scored higher, including Mr. Lee, [Employee 1] said, "I don't recall."

When asked if he recalled Ms. Campbell telling him that she knew some of the candidates, including her neighbor and good friend Mr. Lee, prior to all the interviews and another time right before Mr. Lee's interview, [Employee 1] said that she could have, but he does not remember it because he had done so many interviews in his position at IDOT. [Employee 1] said Ms. Campbell did not tell him that Mr. Lee had donated to her husband's political campaign. When asked if Ms. Campbell ever told him that she and Mr. Lee were neighbors, [Employee 1] said, "I don't remember that." When asked if he was directed by anyone, including Ms. Campbell, to score a particular candidate higher, [Employee 1] said, "No."

E. Interview Of IDOT Employee Laura Campbell

On October 30, 2015, the OEIG interviewed IDOT Interim Bureau Chief of the Bureau of Business Services and Section Chief of Financial Administrative Services Laura Campbell. Ms. Campbell said that she is responsible for notifying the IDOT Personnel Office of vacancies and whether she wants them to be filled. Ms. Campbell said she first received *Rutan* training in the early 2000's, and that since that time, she has taken multiple refresher courses at IDOT and conducted "thousands" of interviews.

With regard to the Fleet Management Assistant position, Ms. Campbell said that her supervisor at the time, [Employee 2], asked her to conduct the interviews. Ms. Campbell said that she also prepared the questions for these interviews.

When asked about Mr. Lee, Ms. Campbell said that she has probably known Mr. Lee her whole life because they live in the same small town, they are good family friends, and are currently next-door neighbors. Ms. Campbell described her social contact with Mr. Lee, and she said that her family and his go out to dinner with one another, their families vacation together on a yearly basis, and they have weekly contact during home visits as they are next-door neighbors. When asked if Mr. Lee attended any fundraisers or walked in parades for Mr. Campbell's political campaign, Ms. Campbell said that she could not recall specifics, but knows that Mr. Lee and his wife "came to several" campaign events between Mr. Campbell's political campaign announcement in May 2013 and the election in March 2014. When asked if Mr. Lee donated money to Mr. Campbell's political campaign, Ms. Campbell said, "I assume," but said that she did not know of any donations.

Ms. Campbell acknowledged that Mr. Lee was one of the candidates that interviewed on April 30, 2014, for the IDOT Fleet Management Assistant position. Ms. Campbell denied favoring Mr. Lee in any way and Ms. Campbell denied tailoring the questions to help Mr. Lee or coaching Mr. Lee on the questions and answers. Ms. Campbell said that once she saw the list of candidates for the IDOT Fleet Management Assistant position, she told her supervisor, [Employee 2], and [Employee 1], of her life-long friendship with Mr. Lee prior to any of the interviews being conducted. She said that she told [Employee 1] again just before Mr. Lee's interview. According to Ms. Campbell, none of these communications were in writing. When asked what [Employee

2's] response was to this information, Ms. Campbell said that he told her not to worry about it and to complete the interviews as scheduled.

Ms. Campbell said that [Employee 1] did not have any response to being told about her relationship with Mr. Lee. According to Ms. Campbell, she led the scoring for all candidates until it came to Mr. Lee. Ms. Campbell said that she told [Employee 1] to do the scoring for Mr. Lee because, even though there are standardized procedures for grading in place, she did not want to influence Mr. Lee's score positively or negatively. Ms. Campbell said that she told [Employee 1] to grade Mr. Lee and if she thought that his scoring was wrong, they would discuss it. Ms. Campbell said that the score Mr. Lee received was the score that [Employee 1] gave him.

F. Second Interview Of Former IDOT [Employee 1]

On November 5, 2015, the OEIG again interviewed former IDOT [Employee 1]. [Employee 1] informed the OEIG that he did not recall Ms. Campbell mentioning that she knew then-candidate Paul Lee or any other candidate. When asked if he recalled Ms. Campbell leading the scoring for all the candidates, with exception of Mr. Lee because she did not want to sway his score either way, [Employee 1] said that he did not remember this. [Employee 1] said that he just wanted to select the best candidate and said, "I don't recall [Ms. Campbell] asking [me to lead the scoring of Mr. Lee]... I just don't."

G. Interview Of Former IDOT [Employee 2]

On February 9, 2016, the OEIG interviewed former IDOT [Employee 2], who was Ms. Campbell's supervisor at the time of the IDOT Fleet Management Assistant position interviews. According to [Employee 2], when a position needed to be filled in one of the Bureau of Business Services' sections, the IDOT Personnel Office would typically contact the Section Chief under whom a position was open. [Employee 2] said that the Section Chiefs had people below them who could conduct the interviews, but Ms. Campbell typically conducted the interviews in her section herself because she "liked to keep . . . close control over what was happening in her Bureau."

[Employee 2] said that he recalled the IDOT Fleet Management Assistant position interviews. The OEIG asked [Employee 2] if Ms. Campbell mentioned to him that she knew someone from the list of candidates for the IDOT Fleet Management Assistant position that she was going to interview, and he said, "No." When asked if she had ever told him that she knew an applicant for a position, [Employee 2] said that there were "a couple" instances when Ms. Campbell had told him that she knew candidates that applied for positions because they had previously worked in her section, but that she did not tell him that she knew any of the candidates for the IDOT Fleet Management Assistant position. When asked if Ms. Campbell ever told him that a friend of hers was interviewing, [Employee 2] said, "No, she would never tell me that."

When asked what he would have done if Ms. Campbell had told him that she had a friend who was a candidate for the IDOT Fleet Management Assistant position, he said that she would "not be able to interview any further." When asked specifically if Ms. Campbell told him that her neighbor, Paul Lee, was a candidate for the IDOT Fleet Management Assistant position,

[Employee 2] said “No.” When asked if he recalled Ms. Campbell telling him that she knew Mr. Lee her whole life, [Employee 2] said, “Absolutely not.”

When asked if Ms. Campbell would have been allowed to conduct these interviews had he known about her relationship with Mr. Lee, [Employee 2] said, “No way.” [Employee 2] said that if the IDOT Personnel Office had known about Ms. Campbell and Mr. Lee’s relationship, they would have pulled her out of the interviews as well. The OEIG asked [Employee 2] if Ms. Campbell should have disclosed that she knew one of the candidates for the IDOT Fleet Management Assistant position, he said, “Absolutely, the minute that she got the list.”

H. Second Interview Of IDOT Employee Laura Campbell

Based on [Employee 1] and [Employee 2’s] interviews, the OEIG decided to interview Ms. Campbell again on March 31, 2016 regarding whether she told them of her relationship with Mr. Lee.¹² Ms. Campbell said it would surprise her if [Employee 2] and [Employee 1] were not aware that she knew a candidate on the interview list for the Fleet Management Assistant position because she “told both of them.”

When asked if she could have had one of her subordinates conduct the interviews so there would not be a conflict of interest or the appearance of a conflict of interest, Ms. Campbell said that because of her relationship with Mr. Lee she informed [Employee 2] and [Employee 1] that she knew one of the interviewees. Ms. Campbell said this is why *Rutan* was created and there was no conflict in her interviewing Mr. Lee. The OEIG asked Ms. Campbell why she needed to tell [Employee 2] and [Employee 1] that she knew Mr. Lee if she thought there was no conflict. Ms. Campbell repeated that there was no conflict of interest and that she just felt like she needed to tell them. When asked again why she felt she needed to disclose her relationship with Mr. Lee to [Employee 2] and [Employee 1], Ms. Campbell responded by saying, “I didn’t want to hide that I knew Paul.” When asked again why it mattered, if in her opinion *Rutan* eliminates conflicts of interest, Ms. Campbell said that she did not know, but stated that because she knew Mr. Lee, she felt she needed to tell them.

At the conclusion of the interview, Ms. Campbell said she understands now that her interview of Mr. Lee could be perceived as a conflict of interest. Ms. Campbell reiterated that she “went in [to the interview] knowing I could be fair.” When asked if she should have avoided conducting the Fleet Management Assistant position interviews, Ms. Campbell said, “yes.” When asked what she would have done differently, Ms. Campbell said that she would have recommended that someone outside the division conduct the interviews.

IV. ANALYSIS

A. Laura Campbell Violated Administrative Order No. 2 (2009) By Participating In The Interview Of Paul Lee

¹² Ms. Campbell told the OEIG that she was no longer serving as Interim Bureau Chief of the Bureau of Business Services as of February 16, 2016.

Administrative Order No. 2 (2009) requires, among other things, that interviews for *Rutan*-covered positions take place “in an atmosphere where interviewers are free of advance knowledge of candidates.”¹³ It also states that *Rutan* interview panels should not include “any person who . . . would have a conflict of interest in connection with evaluating, any of the applicants for the position.”¹⁴

Laura Campbell’s relationship with Mr. Lee created a conflict of interest which should have led to her recusal as an interviewer for the IDOT Fleet Management Assistant position. Both Ms. Campbell and Mr. Lee said that the two of them are neighbors, lifelong close personal friends, and that their families vacation together. Mr. Lee also stated that he donated money to Mr. Campbell’s campaign for sheriff and walked in parades with Mr. and Ms. Campbell in support of his campaign. Election records reflect that Mr. Lee donated a total of \$1200 to Mr. Campbell’s campaign fund between August 19, 2013, and March 4, 2014. Ms. Campbell said she did not know that Mr. Lee donated to her husband’s political campaign, although she “assumed he did.”

While Ms. Campbell told the OEIG that she informed her then-supervisor [Employee 2] and [Employee 1] that she knew Mr. Lee once she got the list of candidates, both [Employee 2] and [Employee 1] deny any recollection of Ms. Campbell disclosing her friendship with Mr. Lee. [Employee 1] also told the OEIG that Ms. Campbell would have taken the lead when scoring the candidates and did not recall Ms. Campbell asking him to lead the scoring of Mr. Lee’s interview. [Employee 2] stated that he would not have allowed Ms. Campbell to conduct the interviews if he had known of her relationship with Mr. Lee.

Ms. Campbell participated in the interview of someone that she has known for her whole life and with whom she regularly socializes and goes on family vacations. Moreover, Mr. Lee had donated money to and engaged in campaign activity in support of her husband’s campaign for Sangamon County Sheriff. Preventing the hiring of individuals for *Rutan* covered positions based on their support of political candidates is exactly what the *Rutan* process was designed to prevent. Although Ms. Campbell denied having knowledge of Mr. Lee’s donations to her husband’s campaign, she was aware of him attending campaign related events for her husband’s campaign.

Ms. Campbell states that she did not favor Mr. Lee during the hiring process and that her relationship with Mr. Lee did not matter because the *Rutan* hiring process ensures a fair process. However, the *Rutan* interview process does not eliminate all subjectivity from interview scoring. While the *Rutan* process does require that all candidates are asked the same questions, it still relies on the interviewers to objectively score the answers to those questions. This is precisely why Administrative Order No. 2 (2009) prohibits individuals with a conflict of interest with an applicant from serving as interviewers. While it is impossible to say how, if at all, Ms. Campbell’s relationship with Mr. Lee may have impacted the hiring decision in this case, the fact remains that Ms. Campbell was involved in the scoring of interviews which resulted in the selection of her lifelong close personal friend who had supported her husband’s campaign for sheriff. This is a conflict of interest in violation of Administrative Order No. 2 (2009).

¹³ Administrative Order No. 2 (2009).

¹⁴ *Id.*

Therefore, because of their close relationship, the allegation that Laura Campbell violated Administrative Order No. 2 (2009) by participating in Paul Lee's *Rutan* interview when she had a conflict of interest in evaluating him given their relationship and his contributions to her husband's campaign for Sangamon County Sheriff is **FOUNDED**.¹⁵

B. Laura Campbell Violated IDOT Policy By Participating In The Interview Of Paul Lee

The OEIG also concludes that Ms. Campbell's participation in Paul Lee's *Rutan* interview constitutes a conflict of interest in violation of IDOT policy. IDOT employees have a responsibility to "avoid situations involving conflict of interest and the appearance of conflict of interest."¹⁶ IDOT defines a conflict of interest as "when an employee's private interest, usually of a personal, financial or beneficial nature, conflicts with public duties or responsibilities."¹⁷ Here, Ms. Campbell's public duty was to conduct *Rutan* interviews for the IDOT Fleet Management Assistant position, which requires impartial judgment of the candidates. As mentioned above, it is impossible to know whether or how Ms. Campbell's personal relationship with Mr. Lee may have impacted her duty to conduct *Rutan* interviews for the IDOT Fleet Management Assistant position. However, even if Ms. Campbell was impartial in her evaluation of Mr. Lee's *Rutan* interview, her participation in it creates the appearance of a conflict of interest. Having a neighbor and long-time friend interview a candidate for a position at IDOT appears to create a situation in which an IDOT employee's personal interest conflicts with their public duty.

Therefore, the allegation that Laura Campbell violated IDOT's Conflict of Interest policy by participating in Paul Lee's *Rutan* interview when she had a conflict of interest in evaluating him given their relationship and his contributions to her husband's campaign for Sangamon County Sheriff is **FOUNDED**.

C. Laura Campbell Failed To Cooperate With The OEIG By Making Material False Statements During Her Interview

The Ethics Act provides that "[i]t is the duty of every . . . employee under the jurisdiction of an Executive Inspector General . . . to cooperate . . . in any investigation undertaken pursuant to this Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements."¹⁸

¹⁵ The OEIG concludes that an allegation is "founded" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

¹⁶ IDOT Personnel Manual Chapter 15, 15-2. In August 2014, IDOT began using an Affidavit of Disclosure form. This form required all *Rutan* interviewers to review the list of candidates before an interview, identify anyone they know, and describe the nature of their relationship to the candidate. During a separate OEIG investigation, the OEIG learned from IDOT Bureau Chief of the Bureau of Investigations and Compliance Bruce Harmening that as of April 13, 2016, the Affidavit of Disclosure form was revised and now directs the *Rutan* interviewers to disclose any "family, political, financial, or social" relationships with candidates. Mr. Harmening said that the form and a list of the candidates is provided to the *Rutan* interviewers five days before the interviews are conducted, and any forms indicating such a relationship with a candidate will be forwarded to IDOT's Ethics Officer and Chief Counsel.

¹⁷ IDOT Personnel Manual Chapter 15, 15-3.

¹⁸ 5 ILCS 430/20-70.

Ms. Campbell claimed in both of her interviews that she told [Employee 2] and [Employee 1] that she knew some of the people who were interviewing, specifically her neighbor. The OEIG finds this to be a materially false statement. There is no written correspondence which reflects that Ms. Campbell told either [Employee 2] or [Employee 1]. [Employee 2] denied ever being told by Ms. Campbell that she knew someone from the list of candidates for the IDOT Fleet Management Assistant position. [Employee 2] specifically remembered the interviews for the IDOT Fleet Management position, and he told the OEIG that if Ms. Campbell had told him that her long-time friend and neighbor was interviewing for the position, he would not have let her conduct the interviews. [Employee 1] did not recall whether Ms. Campbell told him she knew any of the candidates. It is likely, however, that he would have recalled being told about this relationship because, as an experienced IDOT interviewer, he was familiar with *Rutan* and its emphasis on eliminating conflicts of interest.

Ms. Campbell said that she had conducted “thousands” of interviews at IDOT. Given her experience with IDOT interviews and its procedures, it is unlikely she did not know that interviewing her neighbor, Paul Lee, was a conflict of interest. But if in fact she was not aware that it was a conflict of interest, as she said in her interview, it is more likely that she did not tell [Employee 2] or [Employee 1] about the relationship because she would not have had any reason to disclose this information.

The OEIG finds [Employee 2] and [Employee 1] to be more credible than Ms. Campbell. It is unlikely that [Employee 2] and [Employee 1] were told this information because each of them had a reasonable way of dealing with such a conflict had they known. Ms. Campbell had a supervisee that could have conducted the interviews. Moreover, neither of them has an apparent motive to lie. Both [Employee 2] and [Employee 1] are not currently employed by IDOT, and as such have nothing to gain from concealing any disclosure Ms. Campbell might have made to them. They, unlike Ms. Campbell, are not facing any discipline for failing to take action regarding the disclosure.

Thus, the allegation that Ms. Campbell failed to cooperate with the OEIG’s investigation, in violation of the Ethics Act, by knowingly making false statements to the OEIG relating to the interview of Mr. Lee for the Fleet Management Assistant position is **FOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS**:

- **FOUNDED** – Laura Campbell violated Administrative Order No. 2 (2009) by participating in Paul Lee’s *Rutan* interview when she had a conflict of interest.
- **FOUNDED** – Laura Campbell violated IDOT’s Conflict of Interest policy by participating in Paul Lee’s *Rutan* interview when she had a conflict of interest.

➤ **FOUNDED** – Laura Campbell failed to cooperate with the OEIG’s investigation, in violation of the Ethics Act, by knowingly making false statements to the OEIG.

Based upon the evidence, the OEIG recommends that IDOT discipline Laura Campbell for her violation of Administrative Order No. 2 (2009), the IDOT Conflict of Interest policy, and the Ethics Act.

The OEIG also recommends that IDOT ensure that Ms. Campbell and other IDOT employees review and understand *Rutan* policy and procedures including the area of conflicts of interest.

No further investigative action is needed and this case is considered closed.

Date: **June 14, 2016**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 East Adams, 14th Floor
Springfield, IL 62701

Grant Anderson
Assistant Inspector General

Joshua Hughes
Investigator #110



Office of Executive Inspector General
for the Agencies of the Illinois Governor
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**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM**

Case Number: 15-01145

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

☐ We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

☒ We will implement some or all of the OEIG recommendations but will require additional time to do so.
We will report to OEIG within 30 days from the original return date.

☐ We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

[Signature]
Signature

IDOT, BUREAU CHIEF
Print Agency and Job Title

BRUCE HARMENING
Print Name

7-8-16
Date



Illinois Department of Transportation

Office of Finance and Administration / Bureau of Investigations and Compliance
2300 South Dirksen Parkway / Springfield, Illinois 62764

CONFIDENTIAL

August 11, 2016

Ms. Margaret A. Hickey
Acting Executive Inspector General
Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 15-01145

Dear Ms. Hickey:

This letter responds to the Final Report for complaint number 15-01145 which contains a Founded allegation of misconduct against IDOT employee Laura Campbell. The OEIG concluded that Ms. Campbell violated Administrative Order No. 2 (2009) and IDOT's Conflict of Interest policy by participating in Paul Lee's *Rutan* interview when she had a conflict of interest. Your office recommended that IDOT discipline Ms. Campbell.

IDOT agrees that Ms. Campbell's actions could potentially result in discipline. However, as you probably know, the disciplinary process could take some time for resolution. We will provide you updates as the process moves along and we anticipate that we will be able to provide to you a letter containing the outcome of the process by September 12, 2016.

Thank you for your assistance concerning this matter. If you have any questions, or if I can be of assistance to you or your staff, please do not hesitate to contact me at 217-558-4617.

Respectfully,

A handwritten signature in black ink, appearing to read 'B. Harmening'.

Bruce Harmening
Bureau Chief



Illinois Department of Transportation

Office of Finance and Administration / Bureau of Investigations and Compliance
2300 South Dirksen Parkway / Springfield, Illinois 62764

CONFIDENTIAL

September 12, 2016

Ms. Margaret A. Hickey
Acting Executive Inspector General
Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 15-01145

Dear Ms. Hickey:

This letter responds to the Final Report for complaint number 15-01145 which contains a Founded allegation of misconduct against IDOT employee Laura Campbell. The OEIG concluded that Ms. Campbell violated Administrative Order No. 2 (2009) and IDOT's Conflict of Interest policy by participating in Paul Lee's *Rutan* interview when she had a conflict of interest. Your office recommended that IDOT discipline Ms. Campbell.

On August 16, 2016, a Pre-Disciplinary Meeting was held and Ms. Campbell was presented with a Statement of Charges which included the infractions of Failure to Follow Procedures, Unprofessionalism, Conflict of Interest, Ethics Violations, and Failure to Cooperate with an OEIG Investigation. Ms. Campbell has submitted a rebuttal to the charges and it is being reviewed to determine whether discipline is appropriate.

Thank you for your assistance concerning this matter. If you have any questions, or if I can be of assistance to you or your staff, please do not hesitate to contact me at 217-558-4617.

Respectfully,

A handwritten signature in black ink, appearing to read 'B. Harmening'.

Bruce Harmening
Bureau Chief



Illinois Department of Transportation

Office of Finance and Administration / Bureau of Investigations and Compliance
2300 South Dirksen Parkway / Springfield, Illinois 62764

CONFIDENTIAL

September 28, 2016

Ms. Margaret A. Hickey
Acting Executive Inspector General
Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 15-01145

Dear Ms. Hickey:

This letter responds to the Final Report for complaint number 15-01145 which contains a Founded allegation of misconduct against IDOT employee Laura Campbell. The OEIG concluded that Ms. Campbell violated Administrative Order No. 2 (2009) and IDOT's Conflict of Interest policy by participating in Paul Lee's *Rutan* interview when she had a conflict of interest. Your office recommended that IDOT discipline Ms. Campbell.

Ms. Campbell received a 30 day suspension effective close of business, Tuesday, September 20th.

Thank you for your assistance concerning this matter. If you have any questions, or if I can be of assistance to you or your staff, please do not hesitate to contact me at 217-558-4617.

Respectfully,

A handwritten signature in black ink, appearing to read 'B. Harmening'.

Bruce Harmening
Bureau Chief

RECEIVED
NOV 14 2017

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: LAURA CAMPBELL

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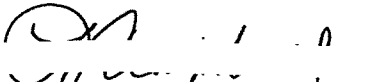
#15-01145

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked, the Commission will not make your response public if the redacted report is made public.

☒ Below is my public response. Please make this response public if the summary report is also made public; or

☐ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.


Respondent's Signature

11/8/17
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

See attached

Below you will find the rebuttal I have prepared in response to the allegations against me. However during the course of preparing my rebuttal I found information that must be brought to light. I refer to the following;

(5 ILCS 430/20-20)

Sec. 20-20. Duties of the Executive Inspectors General. In addition to duties otherwise assigned by law, each Executive Inspector General shall have the following duties:

(1) To receive and investigate allegations of violations of this Act. An investigation may not be initiated more than one year after the most recent act of the alleged violation or of a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred. The Executive Inspector General shall have the discretion to determine the appropriate means of investigation as permitted by law.

Information obtained from the OEIG case report, states the anonymous complaint against me was received on June 1, 2015. The interviews in question took place between April 28, 2014 and May 2, 2014. This would be beyond the statute of limitations outlined above, and it appears the investigation should not have been initiated. However in the interest of cooperation, I have prepared my rebuttal below.

The following is my rebuttal to the recent finding of the OEIG investigation regarding my actions taken during an employee interview, OEIG case number 15-01145.

1. I retired in June of 2016 after a 34 year career as a proud state of Illinois employee. My career had been unblemished with exemplary evaluations year after year. Six years ago, I became a merit comp employee via a promotion. I went to work early and stayed late as needed. I was not tardy. The last four years of my career I received an additional personal day for not using any sick time during the previous year. I consistently went the extra mile to accomplish my work duties. I had numerous subordinates who made much higher salaries than I did. I did not receive a raise during those five years and still I gave it 100% every day. I took great pride not only in my personal work, but the work of my section, bureau and the department.
2. I was the subject of an anonymous complaint investigation in June of 2015 regarding interviews that took place in April/May of 2014. There was no finding that I fabricated or skewed any of the interviewee's scores. There was no finding of a quid pro quo. There was no finding that I benefited in any way from this incident. My co-interviewer and I were responsible for independently recording the interviewee's responses to the structured questions and determining a score based upon those responses. All indications were that this person would have been the top candidate no matter who conducted the interview.
3. In regards to the interviewee in question. I and my family have known him for most of my life. In the last 20 years, we became neighbors and began a social friendship. I have never attempted to hide this fact. I knew he had retired from a previous job at ADM that was very

much relevant to the job he interviewed for. He had indicated he had been looking to return to work, looking at various state jobs and had taken some state tests. I felt like the position in question was a good entry level job for him to interview for. All indications are that he is indeed a great fit and he has thrived and done well at IDOT.

4. One clarification I need to make is that I stated in my interview that I received a list of names the day before the interviews. I did not. I checked my emails and found the notification of the number of scheduled interviews with no list of the candidate's name/interview time. I was not given the list of names the day before. Prior to the beginning of the first interview, I was shown the list by my co-interviewer. I did tell my co-interviewer at that point that I knew several candidates on the list including my neighbor. During a break, I went to my supervisor [redacted] to remind him I was in interviews that week and told him that I thought we had several good candidates including my neighbor. During the interview process, prior to [redacted] bringing a candidate that I knew into the room, I again told him if I knew them and how. In my career at IDOT, I have done thousands of interviews. I have often faced interviewing someone I knew personally. As in this case I always notified my co-interviewer (the Personnel representative). With the structured interview process that is in place, I know I was always able to be fair and unbiased and scored their interview honestly. I knew that with the panel interviewer process and we both being responsible for our own scores I would always need to justify my scoring. I have NEVER scored someone either higher or lower based on friendship or any other knowledge I may have had of that particular candidate. Here I erred in two ways: I did not understand the meaning of conflict in this instance, declare that conflict and ask out of the interviews. In regards to my requirement to make notification of a potential or appearance of a potential conflict of interest, it appears I did not clearly understand what that entailed. Additionally, I did not formally in writing notify neither my supervisor nor Personnel of the individuals I knew interviewing for this position. IDOT now has a form in place to record an interviewer's knowledge of the candidates and how they know that candidate. If the form that is now afforded to the interviewers had been available to me from the department, I would not be facing this allegation today.
5. This form was also noted in my co-interviewer [redacted] OEIG interview. [redacted] was interviewed twice by the OEIG. First on October 9, 2015 and then a second time on November 5, 2015. When asked if there would have been a problem had Campbell told him about a potential conflict, [redacted] said there was no system in place at the time that a person had to disclose any conflicts. [redacted] said, if the candidate was good, they got the job. My co-interviewer stated he did not remember much of the interview, nor the statements made about any conflict. In fact at one point [redacted] stated "She may have told me, I just don't remember."
6. In regards to [redacted] testimony. My co-interviewer, [redacted] and I [redacted] are known to be personal friends. [redacted] told me about getting together to socialize and as single fathers do things with their sons. [redacted] was not interviewed by the OEIG until February 9, 2016. At this point [redacted] had resigned from the department and [redacted] had been terminated. Both of these men were hired at the Department during the past administration. [redacted] for two years and [redacted] for seven years. From the time [redacted] returned to IDOT during the transition phase from the Quinn to the Rauner

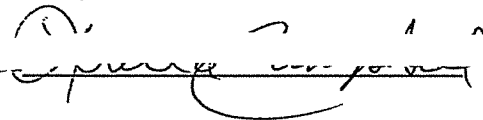
administration, _____, would invite me to meetings of the various bureau chiefs and directors. _____ was not included in these meetings. From December of 2014 I believe there was a change in _____ interaction with me personally. Later in January, 2015 _____ was terminated from the Department. In March, I was appointed as Acting Bureau Chief of Bureau of Business Services or _____ replacement. Therefore, I believe _____ had motivation to be less than truthful in his interview with the OEIG. This is the reason for the differences in his and _____ testimony. _____ spent the entire five days conducting these interviews with me and remembers minimal information. _____ who had no interaction with these interviews and nearly two years later, remembered specific details. The following bullet points are examples of where _____ testimony contradicts the facts;

- _____ stated that I would be tied up for nine days in these interviews. The interviews lasted five days.
- _____ received the email from Personnel regarding the said interviews and in his response he carbon copied me indicating that I would be conducting the interviews. At no time did _____ ask nor direct me not to conduct these interviews due to it tying up to much of my time. He was the bureau chief and could have selected who was to conduct the interviews.
- _____ indicated that if Personnel had known about Campbell and Lee's relationship, they would have pulled her out of the interviews. _____ an employee of Personnel, as noted above, said there was no such process in place at the time of the interviews.
- _____ also stated that the minute that I received the list I should have notified Personnel and him. Again as noted above, I did.
- _____ indicated that I told him that because there were so many candidates I got tired and just stopped writing. He went on to say this could have been to make a candidate have a lesser score due to not writing everything down. If this was an accurate statement, there would be a definite difference in mine and my co-interviewers notes. Some two years later during his OEIG interview, _____ was able to recall this conversation and that it directly related to the interviews in question.
- _____ stated that Procurement Section Chief _____ would let the unit chief of his section conduct interviews. _____ was hired at IDOT 11/16/14. If there were any interviews conducted in the two months that _____ was still employed IDOT, _____ would not have been familiar enough with the unit to conduct an interview and I do not believe he was yet Rutan certified.
- _____ stated that I had given him attitude, became insubordinate, and my attitude was "if she wanted something she was going to try to get it." He also said that I provided wrong information about IDOT processes. Numerous occasions via emails from January to November of 2014 _____ either sent me to bureau chief meetings on his behalf, gave me signature authorization on his behalf or named me the 'lead' for the bureau.

In summary, as I have said I take responsibility of not fully understanding my duty to report any potential or appearance of a conflict of interest. However, I cannot stand by and not address the questioning of my integrity. The opinion of the OIEG interviewers that I was uncooperative and untruthful infuriates me to my core. I began my career in 1983 as a part-time employee and through hard work, dedication and trustworthiness attained the position of a Technical Manager VI, Section Chief. On two different occasions, I was asked to fulfill the additional duties of Bureau Chief. There is no proof I was less than truthful in my OIEG interview, only opinion. Their finding that they believed _____, a two year IDOT employee who was appointed by the previous administration, over me was the most hurtful thing that ever happened to me in my career. His uncanny ability to recall details about an event that he claims I did not tell him about baffles me. His memory of the events would either indicate I did indeed tell him about the potential conflict, or is contrived out of an attempt to harm me professionally. I believe he had reason to contradict and in fact try to discredit me. First, he was not included in transition meetings, and sensed what his future would be. (I have numerous emails reflecting his omission from meetings) Second, he was terminated by the current administration, who ended up appointing me as the acting bureau chief. I feel he was seeking revenge on not only me, but also the current administration. And lastly, due to the time difference between his and _____ interviews and their relationship, I feel they more than likely discussed _____ interview. _____ would have known that _____ did not provide evidence that would harm me and why there is a difference in their responses.

Respectfully submitted,

Sign:



Date

11/8/17